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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,928	07/03/2003	Mark Pregeant	13927	4686
30238	7590	03/03/2005	EXAMINER	
RAYMOND G. AREAUX 1100 POYDRAS STREET, SUITE 2700 NEW ORLEANS, LA 70163			SMITH, JAMES G	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,928

Applicant(s)

PREGEANT, MARK

Examiner

James G. Smith

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Continuation of Disposition of Claims:** Claims pending in the application are 1-6,11-13,20,21,30,31,38-42,52,56,57,67,70-72,75,80,81,87,89-91,98,99,101 and 107-111.

**Continuation of Disposition of Claims:** Claims rejected are 1-6,11-13,20,21,30,31,38-42,52,56,57,67,70-72,75,80,81,87,89-91,98,99,101 and 107-111.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 52 and 75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 52 makes reference to the female coupler positioned "below" the wrench head, however this is clearly dependent upon the orientation of the tool with respect to the work, which in the instances disclosed is a straight on orientation, not from below; thus the claim is ambiguous and indefinite.

Claim 75 has the receiving means comprising another means for attaching handles, however it depends from claim 70 which has a safety handle attached to the receiving means and as the receiving means comprises only one female attachment mechanism, there cannot be other "handles" secured to it. This renders the claim ambiguous and indefinite.

3. Normally a claim which fails to comply with the first and/or second paragraph of § 112 will not be analyzed as to whether it is patentable over the prior art since to do so would of necessity require speculation with regard to the metes and bounds of the claimed subject matter, *In re Steele*, 308 F.2d 859, 862-63, 134 USPQ 292, (CCPA 1962) and *In re Wilson*, 424 F.2d 1382, 1385, 496 USPQ 494, 496 (CCPA 1970).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 12, 20, 21, 30, 38, 39, 41, 42, 56, 57, 67, 70-72, 80, 81, 87, 89-91, 98, 99 and 107-109 are rejected under 35 U.S.C. 102(b) as being anticipated by Doorley which has a hammer end (7), a wrench end (5) that secures a standard socket of any shape, a central bar member (1, 2) and any type of standard handle, i.e. a ratchet wrench, pivoted end torque bar, screwdriver type, that can be attached to the square opening in the central bar member.

6. Claims 56, 67 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Witbeck which shows a wrench end (14), a hammer end (24) and an handle attachment means (15) or Andersson which shows a wrench end (5), a hammer end (14) and an handle attachment means (11, 12).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doorley as to have more than one user to assist the primary user is an obvious matter of choice

to one skilled in the art as any operation can be carried out by more than one user at any one time without changing the true nature of the operation of the tool.

9. Claims 5, 6, 11, 13, 31, 101, 110 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doorley in view of Kertzsch.

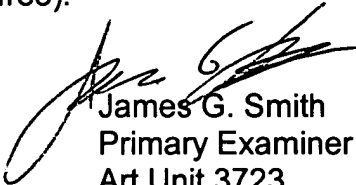
Doorley shows the claimed invention except for the use of one or two holes in the female fitting to receive a detent ball on the male fitting and a slip resistant surface on the handle of the rotating handle. Kertzsch suggests that a wrench can have a female fitting (15, 25) that receives any well known type of handle, e.g. breaker bar (50) and that the fitting can also have holes (51a, 25a) to receive the ball detent of the handle. It would therefore be obvious to one skilled in the art at the time the invention was made to modify Doorley by using a female fitting that has detent receiving holes therein, in either one or all sides of the fitting and to provide the handle with a slip resistant surface because Kertzsch suggests the use of such structures in a wrench with a female fitting to receive a well known type of handle.

10. The remaining prior art is cited only as of interest at this time.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Smith whose telephone number is 571-272-4496. The examiner can normally be reached on M-Th (7:05- 4:35) Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James G. Smith  
Primary Examiner  
Art Unit 3723

jgs  
3/1/05